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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/889,693

07/20/2001

Eietsu Sasaki

740670-262

7377

31780

7590

07/23/2004

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EXAMINER

LESPERANCE, JEAN E

ART UNIT

PAPER NUMBER

2674

8

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/889,693

Applicant(s)

SASAKI ET AL.

Examiner

Jean E Lesperance

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claims 1-13 are presented for examination.

The rejection under 35 U.S.C 112, second paragraph is withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U. S. C. 103 (a) as being unpatentable over the Japanese Kokai Patent Application No. Sho 60[1985]-243730 ("Toru et al.").

As to claims 1-3, 6, and 9, Toru et al. teach the screen of information display device Fig.3 (33) like the way the conventional touch panel utilized corresponding to a display device having a display screen; the user moves a finger from an arbitrary position to another arbitrary position on the direction input detector Fig.3 (33) corresponding to a touch panel, which is provided on the display screen; information processor Fig.3 (35) corresponding to the specifying means for specifying an action commanded by the operator touching the touch panel in accordance with the positional information; coordinate signals representing the track of the finger moved by the user are sent to direction input detector control part Fig.3 (32) corresponding to the control means for outputting a control signal in accordance with an output of said specifying

means; upon receiving the series of pieces of coordinate information, reception buffer Fig.3 (35) extracts the first and the last pieces of coordinate information as coordinates of the start and end points of the track of the finger moved by the user corresponding to wherein said specifying means detects said contact point moved from one end portion of said touch panel to another end portion. The prior art does not explicitly teach the end portions located at four corner areas of said touch panel. However, the prior art teaches the start and end points of the track of the finger moved by the user.

Thus, it would have been obvious to a person of ordinary skill in the art to modify the start and end points of the track of the finger moved by the user as taught by the prior art to achieve the end portions located at four corner areas of said touch panel because this would provide a method in which direction information can be input using an image almost identical to the one the user images.

As to claims 4, 5, 7, and 8, Toru et al. teach information processor Fig.3 (35) carries out image processing for flipping the page to the left on the information display device 33 based on the pieces of direction information (number of movements) identified in said manner corresponding to said specifying means specifies said action commanded by the operator from the number of movements or movement of speed of the detected contact point.

As for claim 10-13, Toru et al. teach a direction input arbitrarily from the direction input detector 33 is classified into one of a total of three directions that is vertical, horizontal and diagonal corresponding to the movement of the contact point in the peripheral portion of said touch panel occurs in longitudinal direction of said touch

panel, coordinate signals representing the track of the finger moved by the user are sent to direction input detector control part Fig.3 (32) where it is inherent for the control signal to increase or decrease a set of value of the electrical device or to adjust a volume or to instruct a track number of the recording medium corresponding to said control means outputs a control signal.

### ***Response to Amendment***

Applicant's arguments filed 5-21-2004 have been fully considered but they are not persuasive. The applicant argued that the prior art does not teach or suggest at least a specifying means for specifying an action commanded by an operator and the examiner has not established a prima facie case of obviousness to meet the three basic criteria. The Examiner respectfully disagrees with the applicant because the prior art an information processor or reception buffer 35 that extracts the first and the last pieces of coordinate information as coordinates of the start and end points of the track of the finger moved by the user where the information processor or reception buffer 35 commanded an action by the operator. The applicant has to rearranged the claimed language to overcome this pertinent prior art. Furthermore, the applicant argued that in the present invention, an operator may very effectively specify an action of the device without seeing the screen by using the movement between the two end portions and said the prior art does not suggest the desirability of these features. The Examiner respectfully disagrees with the applicant because the claimed language "an operator may very effectively specify an action of the device without seeing the screen by using

the movement between the two end portions" was not mentioned anywhere in the claims. Therefore, the rejection is maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jean Lesperance whose telephone number is (703) 308-6413. The examiner can normally be reached on from Monday to Friday between 8:00AM and 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Art Unit: 2674

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Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


Any inquiry of a general nature or relating to the status of this application or Proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



Art Unit 2674

Date 7-19-2004



RICHARD HJERPE 7/22/04  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600